

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 6/13/03.

I. DISPUTE

Whether there should be additional reimbursement for 72146-WP – Thoracic MRI and 73211 WP – Joint MRI, dated 9/5/02 and reduced per “C” – negotiated contract.

II. RATIONALE

Rule 133.1 (a)(8)(c) states “Fair and reasonable reimbursement - Reimbursement that meets the standards set out in §413.011 of the Texas Labor Code, and the lesser of a health care provider's usual and customary charge, or

(A) the maximum allowable reimbursement, when one has been established in an applicable Commission fee guideline,

(B) the determination of a payment amount for medical treatment(s) and/or service(s) for which the Commission has established no maximum allowable reimbursement amount, or

(C) a negotiated contract amount.

The MAR for the disputed services, per the 1996 Medical Fee Guideline, is \$924.00 per MRI. The contracted payment made by the carrier was \$740.70 per MRI.

The requestor did not furnish a copy of the contract or any other information to refute the existence of such a contract. Therefore, the Commission has no reason to believe that the reduction for the disputed services from \$924.00 to \$740.70 is not a proper reduction per contract. On this basis, additional reimbursement is not recommended.

III. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for 72146 and 73211.

The above Findings and Decision are hereby issued this 07th day of April 2004.

Noel L. Beavers
Medical Dispute Resolution Officer
Medical Review Division